

JOSEPH L. FRANCOEUR. (JF-8874)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----**x**
BASLER SECURITAS VERSICHERUNGEN AG

Index No.: 07CIV6223(RJH)

Plaintiff,

- against -

UTi UNITED STATES INC.; PETERSEN
TRUCKING, INC.; and
PETERSEN TRANSPORT INC.;

Defendants.

-----**x**

DECLARATION OF JOSEPH L. FRANCOEUR

JOSEPH L. FRANCOEUR, an attorney duly admitted to practice before this Court, affirms that the following statements are true and correct under the penalty of perjury:

1. I am a member of the law firm of Wilson Elser Moskowitz Edelman & Dicker, LLP, attorneys for defendant Peterson Transport in this action, and as such am familiar with the facts as they pertain to this motion.

2. I submit this declaration in support of Peterson Transport's motion to dismiss.

3. Attached hereto as Exhibit A is a true and accurate copy of the complaint.

4. Attached hereto as Exhibit B is a true and accurate copy of UTI United States' Answer, Affirmative Defenses and Cross-Claim.

5. Attached hereto as Exhibit C is a true and accurate copy of the bill of lading in this matter.

6. Attached hereto as Exhibit D is a true and accurate copy of UTI United States' claim letter to Peterson Transport.

WHEREFORE, defendant Peterson Transport respectfully requests that the Court enter an Order dismissing the plaintiff's complaint and UTI's cross-claims.

Dated: New York, New York
February 28, 2008

/s

JOSEPH L. FRANCOEUR